

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JERRY GENE TOSTE,  
Plaintiff,

v.

SCOTTS VALLEY POLICE  
DEPARTMENT, et al.,  
Defendants.

Case No. 25-cv-04905-NC

**ORDER TO SHOW CAUSE AS  
TO NOTICE OF REMOVAL**

Re: Dkt. No. 1

City of Scotts Valley, on behalf of Defendant Scotts Valley Police Department, filed a notice of removal in this action brought by Plaintiff Jerry Toste against three defendants under 42 U.S.C. § 1983 for alleged violations of his civil rights. ECF 1.

To remove an action from state to federal court, “all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. § 1446(b)(2)(A). Here, the notice of removal states that it is on behalf of Scotts Valley Police Department and includes only the summons served on Scotts Valley Police Department. The notice nowhere indicates whether the other two defendants in the matter, County of Santa Cruz and Officer Garcia, have been served in connection with the state court matter. The Court therefore cannot discern whether Defendants County of Santa Cruz and Officer Garcia must join in the removal, and thus whether the removal is currently improper because it lacks their consent.

1 City of Scotts Valley is ordered to show cause by filing an updated notice of  
2 removal or supplemental statement by June 18, 2025, indicating whether County of Santa  
3 Cruz and Officer Garcia have been served in the state court action and whether they need  
4 to join in or consent to this removal. Plaintiff may file a response by June 25, 2025, if he  
5 so chooses.

6 **IT IS SO ORDERED.**

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8 Dated: June 11, 2025

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge